

Application No. 10/623,321

Title: SEQUENTIALLY PLACED SHIPPING AND PACKING LABEL SYSTEM

Amendment Responsive to Office Action dated February 9, 2005

**Remarks:**

Claims 2-7, 9-16, 18-25, 27-45, and 47-51 remain in this application. Claims 1, 8, 17 and 46 are cancelled by this amendment, and claims 26 and 36 were previously cancelled. Claims 2, 7, 9, 16, 18, 23, 24, 25, 34, 44, 45, 47, 48, and 49 are independent claims. Claims 2, 6, 7, 9, 13, 14, 15, 16, 18, 22, 23, 24, 27, 47, 50 and 51 are amended herewith. Claims 2-5, 9-12, 18-21, 25, 27-35, 37-45, 48 and 49 were previously allowed or indicated to present allowable subject matter.

Applicant appreciates the courtesy extended by Examiner Henderson in a brief telephone conference wherein applicant's attorney discussed possible amendments to the claims and the previously cited Bartl 5,340,158 reference. While the Examiner reserved any approval of the claims to be amended pending further consideration, it is believed the discussion was beneficial in pointing out the nature of the amendments set forth above.

In the Office Action of February 9, the Examiner indicated that claims 2, 9, and 18 would be allowable if amended to include the limitations of the base claims. Applicant has made such amendments and believes that these claims and those claims depending directly or indirectly therefrom are now in condition for allowance. Claim 6 has now been amended to depend from allowable claim 2, claim 15 has been amended to depend from allowable claim 9, claim 22 has been amended to depend from claim 18, and claim 27 has been amended to depend from allowed claim 25 rather than cancelled claim 26. Finally, claims 50 and 51 have now been amended to depend from previously allowable claims 2 and 18, respectively. Thus, it is believed that claims 2-6, 9-15, 18-23, 27-29, and 50-51 have been placed in condition for allowance by these amendments.

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Claims 7, 15 and 23 have been amended to distinguish over the hypothetical combination of the cited references to Bartl, U.S. Patent No. 5,340,158, and Egan, U.S. Patent No. 6,273,986. The Examiner has indicated that Bartl '158 showed an additional line of weakness (presumably perforation line 17) extending between the side margins to define a tear strip which corresponded to Bartl's first tab. Applicant has amended these claims by indicating that the line of weakness extends across the shipping label from the first side edge to the second side edge to define a tear strip, shown in Fig. 1 as tear strip 40 and the lines of weakness 48 and 50 which extend across the shipping label (or second sheet as used in claim 23 from first side edge 28 to second side edge 30. In this respect, Bartl '158 does not provide a tear strip positioned adjacent the center section, as the line of weakness does not extend from one side edge to the other. To so modify Bartl would be to remove the operability form by eliminating the tab created by the perforation 17 which starts and ends at one side, making it impossible to thereby remove the border portion 21. Applicant respectfully submits that the foregoing amendment clearly distinguishes over Bartl by providing a true tear strip instead of a tab by the provision of a line of weakness that extends across the shipping label (or second sheet) between the side edges.

Applicant has also amended claims 24 to distinguish over the Egan and Bartl references. Claim 24 as now presented is an independent claim incorporating the limitations of cancelled claim 17, but further recites that the first sheet is of single ply construction as shown in Figs. 3 and 4 (having a front side 80 and a back side 90), with adhesive applied to at least a part of the second portion but the first portion being free of adhesive. This construction is quite different than both Egan

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and Bartl. Egan '986 shows two plies 22 and 26 applied together to the container, each having adhesive (28 and 30, respectively) with no provision for a first portion without adhesive on the back and a second portion with adhesive on at least a portion thereof. Egan's packing list includes layers 22, 28, 26 and 30 as described therein at column 5, lines 1-10, with layers 28 and 30 being adhesive. Thus, Egan shows a multiply packing list requiring intervening adhesive to hold it together and apply it to a substrate. Similarly, Bartl '158 shows a packing list 23 in Fig. 2 with multiple layers or plies. As described at col. 3, line 1 et seq., the packing list 23 is sandwiched between the covering layer 19 and the package surface, with a top layer 37, a clear film layer 33 held to the top layer by adhesive 35, a second clear film layer 29 held to the film layer 33 by dry contact release coating layer 31, and a solid adhesive layer 27 which affixes to the surface of the package. This construction is quite complicated and difficult to construct, requiring multiple layers of film and multiple layers of adhesive. In contrast, claim 24 calls for the first sheet, shown in the drawings and described as packing list 14, as having a first portion of a single ply free of adhesive, with the second portion having adhesive on at least a part thereof. Applicant submits that this construction for a sequentially placed label system is not shown or suggested by the references.

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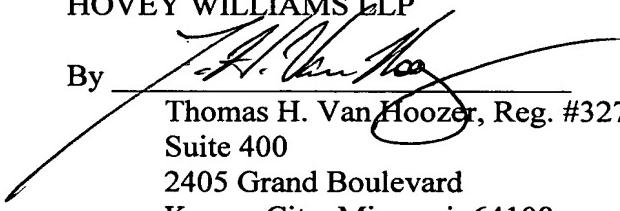
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Applicant thus respectfully submits that this application is now in condition for allowance and such is courteously requested. Should there be any remaining issues which may be presented by a telephone conference, they may be addressed to the undersigned at 1-800-445-3460. Any additional fees necessitated by this submission may be charged to Deposit Account 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

Thomas H. Van Hoozer, Reg. #32761  
Suite 400  
2405 Grand Boulevard  
Kansas City, Missouri 64108  
(816) 474-9050

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